

Notice of Allowability

Application No.

10/031,331

Examiner

Medina A. Ibrahim

Applicant(s)

YAMADA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview of 04/17/06.
2. ☒ The allowed claim(s) is/are 64-65, 114-117, 121-122, 125-129, renumbered as 1-13, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ann Hobbs on 04/17/06.

The application has been amended as follows:

In The Abstract:

The abstract has been replaced with the following:

----The present invention relates to isolated DNA sequences from halophytes encoding proteins for improving tolerance to environmental stresses in plants. The invention also relates to vectors comprising the polynucleotides, and transformed host cells, and plants with improved environmental stress tolerance. -----

In The Claims:

Claim 64 (Currently amended). An isolated DNA encoding a protein comprising the amino acid sequence of [amino acids shown in] SEQ ID NO: 40, and having the activity of improving tolerance at least against salt stress.

Claim 65 (Currently amended). An isolated DNA comprising the nucleotide sequence of [bases shown in] SEQ ID NO: 39 [or its complementary sequence].

Claim 66 has been cancelled.

Claim 114 (Currently amended). A vector comprising the DNA according to any one of claims 64 to 65 [claim 64-66].

Claim 115 (Currently amended). A transformed host cell comprising [obtained by introducing] the vector according to claim 114 [to a host cell].

Claim 116 (Currently amended). The [A] transformed host cell according to claim 115, wherein the host cell is a plant cell.

Claim 117 (Currently amended). A method for producing a protein having the activity of improving environmental stress tolerance, comprising culturing [wherein] the transformed host cell according to claim 115 [is cultured], and isolating [a recombinant] the protein [is collected] from the cultured [transformed] host cell [or the supernatant of the cultured liquid].

Claim 121 (Currently amended). A transgenic plant comprising [obtained by introducing] the DNA according to any one of claims 64 to 65 [66] [to a plant cell, and regenerating a plant from the plant cell by dividing, proliferating and redifferentiating the plant cell].

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Claim 122 (Currently amended). A transgenic plant comprising [obtained by introducing] the vector according to claim 114 [to a plant cell, and regenerating a plant from the plant cell by dividing, proliferating and redifferentiating the plant cell].

Claim 127 (New). A method for producing a transgenic plant, comprising introducing the DNA according to any one of claims 64-65 into a plant cell, and regenerating a transgenic plant from the plant cell.

Claim 128 (New). A method for producing a transgenic plant, comprising introducing the vector according to claim 114 into a plant cell, and regenerating a transgenic plant from the plant cell.

Claim 129 (New). An isolated DNA comprising the complementary sequence of SEQ ID NO: 39.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina A. Ibrahim whose telephone number is (571) 272-0797. The Examiner can normally be reached Monday -Thursday from 8:00AM to 5:30PM and every other Friday from 9:00AM to 5:00 PM. Before and after final responses should be directed to fax nos. (703) 872-9306 and (703) 872-9307, respectively.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/16/06

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MEDINA A. IBRAHIM
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Medina A. Ibrahim", written over the printed name and title.